

HISTORIC PROPERTIES GUIDANCE

Applicants must determine whether their new or increased discharges, has potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places. For existing dischargers who do not need to construct additional wastewater treatment works, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for new dischargers and for existing dischargers which are planning to construct a wastewater treatment project for permit eligibility, applicants should conduct further inquiry to determine whether historic properties may be affected by the construction activity to control the discharge. In such instances, applicants should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are “eligible for listing”).

EPA suggests that applicants first access the “National Register of Historic Places” information listed on the National Park Service’s web page: <http://www.cr.nps.gov/nr>. The addresses for State Historic Preservation Officers are listed in Part II of this Attachment. Applicants may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

The following three scenarios describe how applicants can meet the permit eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties are not identified in the path of a wastewater discharges or where construction activities are planned to control such discharges, then the applicant has met the National Historic Preservation Act (NHPA) eligibility criteria of this permit.
- (2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction activities to control the discharge, the applicant has met the NHPA eligibility criteria of this permit.
- (3) If historic properties are identified in the path of wastewater discharges or where construction activities are planned to control such discharges, and it is determined that there is the potential to adversely affect the property, the applicant can still meet the NHPA eligibility criteria under of this permit, if he/she obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the Discharge Management Program required for this permit.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, applicants should contact the Advisory Council on Historic Preservation listed in Part III of this Attachment for assistance.

The term “adverse effects” includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. EPA encourages applicants to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Applicants are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

I. Internet Information on the National Register of Historic Places

The National Register of Historic Places is the Nation’s official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program

to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior.

An electronic listing of the "National Register of Historic Places", as maintained by the National Park Service, can be accessed on the Internet at: <http://www.cr.nps.gov/nr>

II. State Historic Preservation Officers

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125
617/727-8470
TTD: 1-800-392-6090

New Hampshire Division of Historic Resources
P.O. Box 2043
Concord, NH 03302-2043
603/271-6435
TDD: 1-800-735-2964

III. Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. ACHP is the only entity with the legal responsibility to encourage Federal agencies to factor historic preservation into Federal project requirements.

As directed by NHPA, ACHP serves as the primary Federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our Nation's heritage; advocates full consideration of historic values in Federal decision making; and reviews Federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

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